IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10484 of 2004

Between:

1 Jameel Unissa, W/o. Rasjeed Khan,
R/o. H.No.11-3-467, New Mallepally, Hyderabad.
2 Rafath Unnisa Begum, W/o. Zafar Khan,
R/o. H.No.11-3-467, New Mallepally, Hyderabad.
3 Sami Unnisa, W/o. Khaja Qamaruddin,
R/o. H.No.11-3-467, New Mallepally, Hyderabad.
4 Farha Rashee, W/o. Syed Sharfuddin,
R/o. H.No.11-3-467, New Mallepally, Hyderabad.
5 Arshia Rashee, W/o. M. Abdul Kafeel,
R/o. H.No.11-3-467, New Mallepally, Hyderabad.
6 Nilofer Rashee, W/o. Syed Misbah Uddin,
R/o. H.No.11-3-467, New Mallepally, Hyderabad.
7 Ather Khan , S/o. Rasheed Khan,
R/o. H.No.11-3-467, New Mallepally, Hyderabad.
8 Amjad Khan, S/o. Rasheed Khan,
R/o. H.No.11-3-467, New Mallepally, Hyderabad.

.....
PETITIONERS

AND

THE S.H.O., WOMEN POLICE STATION, C.C.S. Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of writ of Mandamus declaring that the respondent has no right whatsoever to arrest/detain the petitioners in the police Station without registering as case as it would amount to curtailing their right of personal liberty as guaranteed under Art. 21 of Constitution of India, consequently the respondent and his subordinates may be directed not to arrest or call for the petitioners in the police station unless a case is

registered against them on the complaint of one Smt. Shamsnoorunnisa

For the Petitioners: MR.MOHD.OSMAN SHAHEED, ADVOCATE

For the Respondent No.: THE GOVERNMENT PLEADER FOR HOME

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioners, who are eight in number, aggrieved by the action of the respondent – Station House Officer, in interfering with their personal life and liberty in order to settle a dispute between the first petitioner's son and the defacto complainant, as the first petitioner's son married defacto complainant's daughter.

2. According to the petitioners, no case was registered with the respondent. In spite of it, the petitioners are being called to the police station every day and are being pressurizing to pay compensation to settle the dispute between the first petitioner's son and his wife. It is also stated that parties got divorce by mutual agreement and to that effect certificate was also issued by the concerned Qazi, which is filed at page No.11 of the material papers, which was issued on 21.06.2004. Therefore, the learned counsel contended that the action of the respondent is illegal and without jurisdiction.

3. Heard learned counsel for the petitioner and learned Government Pleader for Home.

4. As, no criminal case has been registered against the petitioners, the respondent – Station House Officer has no jurisdiction to call the petitioners to the Police Station. Further, there is already divorce between the first petitioner's son and his wife and there is no matrimonial dispute. If the first petitioner's son is liable to pay any

maintenance to his divorced wife, the parties shall approach appropriate Court seeking appropriate relief. But, the respondent authorities have no jurisdiction to interfere in order to settle any dispute between the first petitioner's son and his divorced wife.

5. Under the above circumstances, the writ petition is disposed of at the admission stage directing the respondent – Station House Officer not to call the petitioners to the police station in order to settle un-registered dispute between the first petitioner's son and his divorced wife.

24.06.2004

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To

1. The Station House Officer, Women Police Station, CCS, Hyderabad
2. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT)
3. Two CD copies